

B1  
concluded

group, an optionally substituted alkenyl group, an optionally substituted alkynyl group, an optionally substituted aryl moiety, an optionally substituted heteroaryl moiety or an optionally substituted heterocycle.

81. The method of claim 80 wherein  $R^2$  is -OH.

82. The method of claim 80 wherein  $R^1$ ,  $R^2$  and  $R^4$  are -OH,  $R^3$  is -H,  $R^5$  and  $R^6$  are -CH<sub>3</sub> and  $R^7$ ,  $R^8$  and  $R^9$  are -CH<sub>2</sub>-.

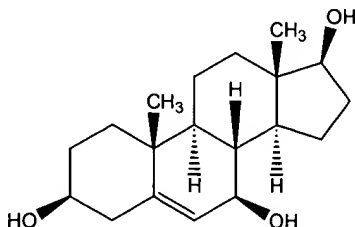
### REMARKS

After entry of this paper claims 1-82 are pending. Claims 55-82 are new.

- 10 Support for the new claims is found throughout the disclosure with exemplary support as follows. Support from new claims 55-58 is at least at page 218, line 1, page 258, lines 5-13 and page 265, line 27 through page 266, line 2. Support for new claims 59-70 and 72-82 is at least at page 55, line 21 through page 105, line 25, page 111, line 9 through page 112, line 12, page 280, lines 1-9 and page 15 313, lines 1-10. Support for new claim 71 is at least at page 229, lines 20-23.

### RESTRICTION REQUIREMENT

- The Office issued a restriction requirement and required Applicant's to select a disclosed species for examination. Applicants hereby elect the method 20 that new claim 70 recites, i.e., treatment of hypercholesterolemia using the compound



Claims 55-59, 65-72 and 78-82 read on this species.

- The Office did not fully define the restriction and Applicants thus do not 25 know its ultimate scope. To make this restriction clear, the Office should mention the claim limitations that underlie the restriction and state why those limitations restrict the claims. M.P.E.P. § 814. Because the basis of the restriction is not clear, Applicants traverse the restriction.

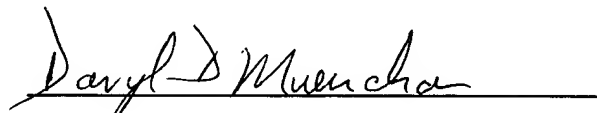
CONCLUSION

An examination on the merits is respectfully requested. Applicants' representative can be reached at the number given below if the Office has any  
5 questions or would like to address any other matters that may arise.

Respectfully submitted,

10

Dated: Jan 21, 2003



15

Daryl D. Muenchau, Reg. No. 36,616  
Hollis-Eden Pharmaceuticals, Inc.  
4435 Eastgate Mall, Suite 400  
San Diego, CA 92121  
P: 858-320-2569  
F: 858-558-6470